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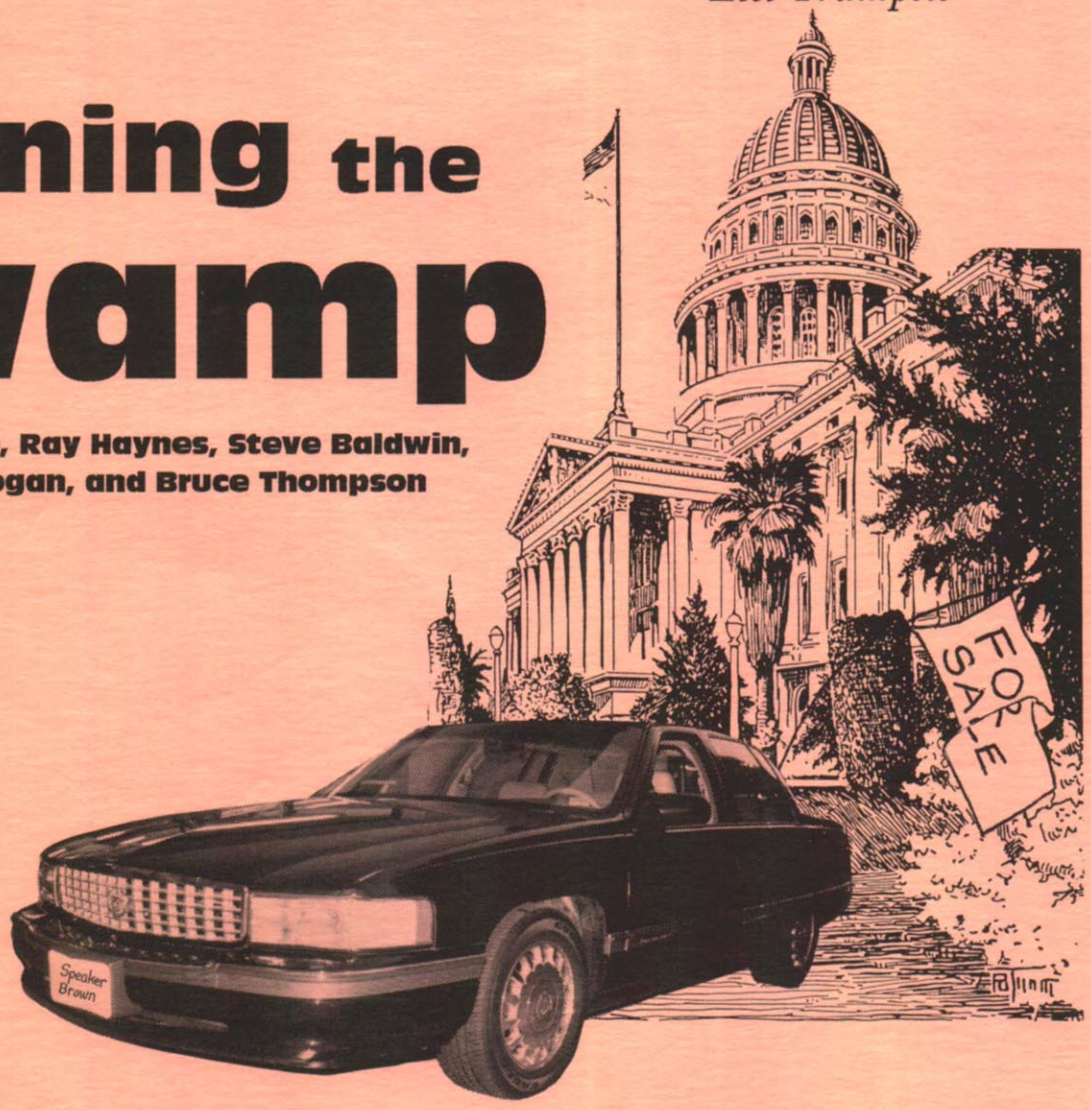

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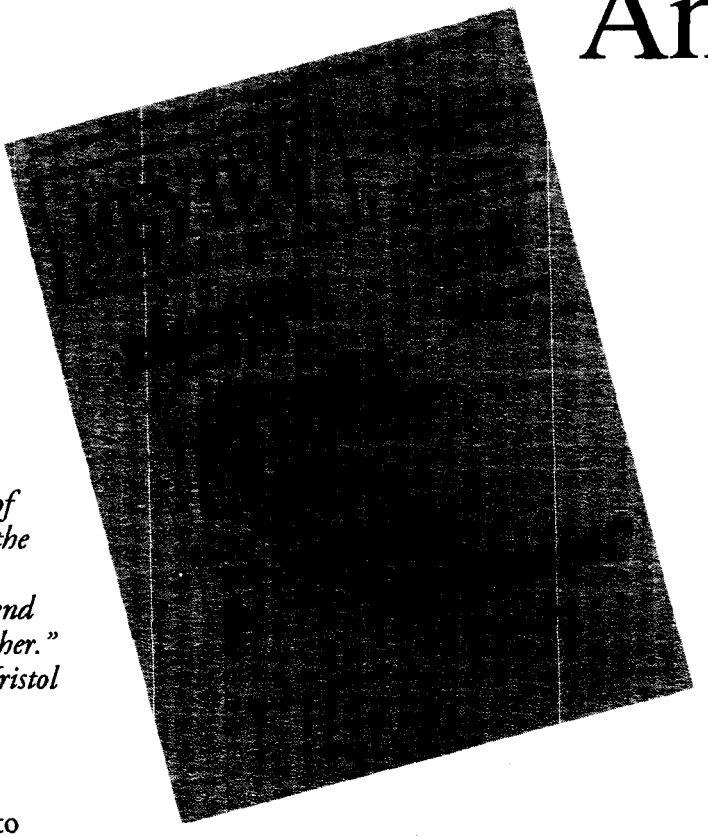

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CALIFORNIA PUBLIC POLICY FOUNDATION

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CPR Goes Bimonthly!

WITH THIS issue, beginning *California Political Review's* seventh year of publishing, a great deal is new: for the first time in a quarter century a Republican majority controls the Assembly, for the first time in a decade and a half Willie Brown is contributing directly to the decline and fall of just one city rather than the whole state, and President Clinton is couching his lies in his most conservative-sounding tones yet. The end of big government, indeed!

In the spirit of such progress, *CPR* will now appear six rather than four times yearly. Alas, this change requires the demise of *CPR Update* which, for the past three years, provided quick-reading news half-way between each issue of the magazine. But, actually, *Update* was intended all along to be a transitional endeavor leading to a bimonthly *CPR*. It ended up lasting much longer than originally we thought it would. Still, it will be missed by readers and by those of us here who toiled over its four-times-yearly production.

More than enough is happening right now in Sacramento to fill six (and, for that matter, probably sixty) issues easily. It can scarcely be overstated: Brown's removal is a California watershed of monumental importance. Among other things, we can tell that by the fact that achieving it involved witnessing the Democrats descend to the grossly illegal point of expelling a duly-elected Assemblymember in a desperate, banana republic-style power-grab, also witnessing the weird, degrading Doris Allen burlesque "speakership," the seduction and political (dare we say moral?) ruin of two Republican members by the Mephistophelian Brown, not one but *two* successful recalls of these poor misguided legislators — events not seen in this state for some eight decades — the final, embarrassing fall of Assembly *naif* Brian Setencich (recounted eloquently by Assemblyman James E. Rogan on page 10 of this issue), and much more of high and low drama most of which the major media somehow managed to report either all wrong or not at all.

All of which brings us back to six *CPRs* a year. Here you may read as much of what is really happening as space allows, which is a lot more than is available from most other sources. So, on with 1996.

— *Editor*

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SACRAMENTO SPECTATOR

Now that Curt Pringle and the real Republicans have taken over up here, your *Spectator's* head has been spinning with all the gossip, inside maneuvering, and Democrat panic pervading the mists in our Golden State's Capitol. First, a couple of observations obvious to anyone in Sacramento that have probably gone unreported by your local media.

Curt Pringle is the "little engine that could." Discounted, ridiculed, and counted out by the "in crowd" up here, Pringle just kept working and working and working. Sheer determination and hard work eventually got him over the hump and into the Speaker's office. Unlike Boss Brown, Dumb Doris, or Sly Setencich, Curt Pringle became Speaker the old fashioned way — he earned it with hard work and diligence. If nothing else comes out of his Speakership — and *much* else will — it is refreshing to see hard work rewarded with the big prize.

Right to the end, however, the squishes and "sell out" wanna be's were problems in the GOP caucus. As usual, most of the caucus was solid, but one or two of them were trying to cut better deals with the Democrats literally up to the last minute. Particularly prominent in this sleazy derby was Brett Granlund of Yucaipa. Granlund has the reputation of being a conservative, but has quickly established himself as a consummate game player, keenly interested in self-aggrandizement. He eventually went along when it was obvious nobody was buying what he was offering.

Equally contemptible are the political consultants up here now trying to claim credit for Pringle's victory. While the old saying "victory has a thousand fathers" is true, the situation in Sacramento

is ridiculous. Of special note is a "conservative" consultant who has vigorously opposed Pringle's elevation as Speaker for the last year. This consultant actively helped Doris Allen sell out to Willie Brown and worked hard to keep her in office. Up to the last minute, his circle of friends and clients in the Assembly were trying to de-stabilize the Pringle effort.

This guy (who actually tries to masquerade as a devout Christian — thereby bringing hypocrisy to a new height) is now taking credit for the strategy behind Pringle's victory! To hear him and his acolytes tell it, Curt Pringle was the merest tool of their master plan. Speaker Pringle is not pleased at this, to put it mildly, and honest conservatives in town are delighted at the prospect of this overblown self-promoting charlatan being exposed. More in later columns.

On the good news front, Pringle and crew are doing *exactly* the right thing when it comes to cleaning house. Watch for media howls about "vindictiveness" and "pettiness" as signposts the GOP is doing what it should.

The Republicans' only chance of making their majority a lasting one is to undo — quickly and permanently — the empire Willie Brown built. That means slashing budgets, firing political employees, and urging prosecutors to indict Democrat staff and members proven to have broken the law.

And take it from your *Spectator,* if every Democrat member and staffer who broke the law in the Capitol the last 10 years was hauled away, the Democrat side of the Capitol building would quickly assume a quiet, deserted atmosphere. The GOP should show the Democrats all the compassion and even handedness that Democrats showed them.

This will be great fun! Watch for details in future columns. Your *Spectator* hasn't had such a good time since Kitty Dukakis was caught drinking out of the vanilla extract bottle.

—A.P.C.

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Lerach Untracked, Pfaelzer's Follies

Time To Re-direct Alpheus, Peneus ... And The Sacramento, Too

MARK S. PULLIAM

USING GREEK mythology as a guide, it is hard to choose the most appropriate metaphor for legal reform. The two-front war over shareholder litigation reform reminds one of Hercules and the many-headed serpent Hydra. The sorry fate of Proposition 187 invokes images of the Augean stables.

While much of the Contract With America remains locked in David Bonior- and Bill Clinton-imposed gridlock, in late December the Senate joined the House in dramatically over-riding Clinton's veto of the 1995 Securities Litigation Reform Act, which will make it more difficult for San Diego's Bill Lerach and other such legal vultures to abuse the law through bogus class action shareholder lawsuits alleging violation of federal "securities" statutes. Companies making good faith projections of future economic performance will be protected against baseless charges of "fraud," and shareholders wanting to sue will actually have to take a stab at specifying what defendants are supposed to have done wrong, all of which has Mr. Lerach gasping and wheezing indignantly. Although Representative Chris Cox's tougher version of the bill that passed the House last March was watered down in conference, the final, over-ride-passed version still packed enough wallop to send Lerach (a major Democrat Party donor) pleading to Bill Clinton, who had previously said he would sign the bill, for a veto instead, which Lerach received. It is an indication of how deeply the Democrats have become the Special Interest Party that this representative of the narrowest of selfish constituencies was able to convince the president to cross not only his own best judgment with this veto, but even to force an embarrassing political confrontation with the Democrat Party's national chairman, Senator Christopher Dodd who has been fighting for this reform since 1991. Dodd appeared saddened at having to help Republicans blow his president out of the water on this one.

At this point, the usual script calls for conservatives to declare victory and go home, leaving the still decidedly undefeated class action lawyers to regroup and steal back the victory the good guys think they have won. The truth is, this Hydra has many more heads to be severed before the nation's publicly-traded corporations will be safe from lawyer-induced legalized extortion, which brings us to the shareholder litigation initiative on California's March 1996 ballot. Perhaps paradoxically, the reform of federal law has probably made the initiative, one of three sponsored by the Alliance to Revitalize California, *more* important than it was *before* Congress acted. The new federal law restricts only securities lawsuits filed under *federal* law in *federal* court. The smooth-operating Lerachite ambulance chasers can be expected merely to shift the focus of their frivolous shareholder lawsuits exclusively to *state* court, under *state* law. No one has ever accused these folks of lacking good opportunistic instincts. It seems hardly necessary to add that California's volatile high-tech firms, many based in Silicon Valley, are now likely to become targets more prime than ever. And for that reason, it is more imperative than ever that California voters enact the Shareholder Litigation Reform Act in March 1996.

AMONG ITS other commendable qualities, the March initiative contains a potent "loser pays" provision. Shareholder lawsuits, typically brought as class actions, can cost millions to defend; thus, absent "loser pays," companies have a compelling incentive to settle even unmeritorious lawsuits for substantial sums. But even with "loser pays," prevailing corporate defendants sometimes find they've won merely Pyrrhic victories because an impecunious losing plaintiff in such cases simply cannot pay, regard-

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less of his responsibility to do so under the law, and the defendant is as stuck as ever. That's why under California's March initiative, when the shareholder bringing a suit against a corporation owns only a small number of shares, the defendant would be able to request that the court require the shareholder to post a *bond* sufficient to pay defendant's attorneys' fees if the suit fails.

Combined with federal reforms, the California March initiative would put Bill Lerach (and — an added bonus — his enormous political contributions) out of business. Congress kept its promise on legal reform; now its California voters' turn.

UNFORTUNATELY, MERELY passing an initiative does not guarantee that the law will take effect. Sometimes voters must also overcome the ACLU and liberal federal judges. During the campaign leading up to the overwhelming passage of Proposition 187 by California voters in November 1994, the accepted wisdom on both sides of the initiative was that, if it passed, its principal legal impediment would be the 1982 U.S. Supreme Court 5-4 decision in *Plyler v. Doe.* In *Plyler,* the thinnest possible majority argued that equal protection grounds made a Texas law denying free public education to illegal immigrants unconstitutional. But Proposition 187 went further, denying to illegal immigrants a free public education and most other government services as well. The barrage of lawsuits that immediately followed 187's November 1994 passage charged that the law's education provisions violated *Plyler's* constitutional findings while its other provisions transgressed the federal government's pre-emptive power to set immigration policy. It was widely expected that the litigation would serve as a catalyst for the U.S. Supreme Court to rule either that *Plyler's* constitutional precedent did not apply to 187 (a variety of significant differences between the two cases could have been argued in defense of 187) or to overrule *Plyler* entirely as an incorrect application of equal protection constitutionalism (neither the 5-vote *Plyler* majority nor the liberal arrogance that propelled it exists any more on the high court). But the federal judge hearing most of the anti-187 litigation, Mariana Pfaelzer, through either breathtaking incompetence or a highly skilled exercise in judicial obstructionism (it's hard to say which), crossed up those expectations with a weird and plainly erroneous holding that nonetheless promises a lengthy delay.

Last November 20, Pfaelzer ruled 187 largely unconstitutional, agreeing with the challengers that most of the initiative's provisions (those not involving education) impermissibly conflict with federal immigration policy — no surprise there. But Pfaelzer went further, knocking down the education provisions as well but not, as expected, by invoking *Plyler's* equal protection findings. Pfaelzer did invoke *Plyler,* but not as a precedent in constitutional interpretation that would help clarify 187's equal protection constitutionality. Instead, skipping the constitutional issue, Pfaelzer invoked *Plyler* as if it were just one more exercise in federal lawmaking, like an act of Congress, concluding that the education-for-illegals policy it created in Texas pre-empts state law on the subject, just as federal immigration policy pre-empts the states under the supremacy clause of the Constitution.

Pfaelzer's ruling is nonsense, for two predominant reasons. First, she mis-interpreted *Plyler's* narrow holding that, under the particular circumstances of the Texas case, the Constitution had been violated. Instead, she broadened this into a blanket prohibition of *any* exclusion of illegal alien children from public schools. Justice Brennan's decision for the 5-4 majority in *Plyler* specifically noted that "a State might have an interest in mitigating the potentially harsh economic effects of sudden shifts in population," but that "[t]here is no evidence in the record suggesting that illegal entrants impose any significant burden on the State's economy." Far from stating a categorical rule, the Court in *Plyler* merely held that the state of Texas failed to justify its statute under the applicable "rational basis" test by articulating a "substantial goal" of the state that the statute would further. That Texas failed to make such a showing in *Plyler* hardly means that no state could *ever* make such a showing. Thus, Pfaelzer's ruling ignores the very arguments and reasoning at the heart of *Plyler.*

But this error is small compared to her ridiculous treatment of a Supreme Court decision as if it were an act of Congress. Under the Constitution, the power to make federal law is invested in the legislative branch; judicial review is there supposedly to insure that the legislature acts in concert with the Constitution, the supreme law. Now, granted that courts have too often confused their mandate into a blank check to re-write the law, it remains addle-headed nonsense to base a judicial ruling on the notion that a Supreme Court opinion constitutes federal policy in the same sense as do acts of Congress. As California Attorney General Dan Lungren argued in a motion for reconsideration by the district court, the pre-emption/supremacy clause analysis must rest on a conflict between a state law and an act of Congress, not on a conflict with a Supreme Court decision. On the other hand, if a state statute is held to be invalid under the equal protection clause, such a ruling must be

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Educational Conundrums

Wilson Wades In

William R. Allen

LIKE MANY politicians before him, Governor Pete Wilson purports to favor improved education in public primary and secondary schools. Good luck, governor.

We may have some basis for a degree of optimism, for a start has been made: a recently-introduced Assembly bill permits dismissing teachers for "unsatisfactory performance" rather than by the more stringent criterion of "incompetence"; another bill requires denying a teaching credential to any applicant found by a federal or state court to be insane. In addition, Wilson wants to spend more on education and everyone knows you get only what you pay for, and the more you pay, the more you get. Well, maybe we do *not* really know that.

By any standard, we pay a lot for primary and secondary education, and the amount we pay has been steadily and significantly rising for decades, but the educational product persists in deteriorating. If generous, and increasingly generous, school financing has yielded increasingly poorer results, there is reason to wonder about the wisdom of spending at a still greater rate.

The United States now spends, in real terms, much more per pupil than ever before. According to John Hood, of the John Locke Foundation, the U.S. spends more per pupil than do the majority of other nations. Yet, by standards of both our own history and of international comparison, our students perform poorly.

From the early 1960s to the mid-'90s, total real expenditures per pupil in public schools *rose* for the nation more than 150 percent, to a level of $6,900. (In California, the increase was about 100 percent, to $5,100.) But over the same period, national Scholastic Aptitude Test scores fell 7 percent. (California scores since the mid-1970s have risen minutely — but are a bit below the national average.) How are we to account for such seeming perversity, with more educational spending yielding less education?

Well, how is the money spent? Much experience indicates that lowering pupil/teacher ratios, increasing teacher salaries, increasing school district consolidations and centralized administration, and adding non-instructional frosting on the cake have little correlation with — and sometimes even negative effects on — student performance.

Average class size has persistently fallen while the real salary of teachers has *risen.* Since 1960, the national pupil/teacher ratio has declined by one-third; the average salary has increased more than 40 percent. (The California salary figure has hardly changed since 1970 — but it is still 10 percent higher than the national average.) So what to do?

Mr. Hood responds enthusiastically in terms of more individual school autonomy and freedom to innovate, or parental choice in schools for their children to attend, and of more parental involvement in determining educational content and procedure. Still, even if highly helpful or even essential, this can hardly be the entire story of reform. For one thing, the existence of massive waste by the educational establishment does not negate the necessity of very considerable resources. *Average* educational expenditures across the country *are* very considerable, but there remain huge pockets of poverty. Schools with few and outdated textbooks, dilapidated and crowded buildings, and semi-literate teachers are poor places in which to cultivate young minds.

Certainly, more than money *is* required — and also more than a voucher system of parental choice among competing schools. Those choices are not likely to be sophisticated when the choosers are not sophisticated. Poor, uneducated communities, inhabited by people from and in broken homes, with no tradition of or hope for success, with, indeed, little notion of or interest in the nature and requirements of professional accomplishment, plagued by teenage pregnancy, drug consumption, and other improprieties — such communities cannot be expected to generate or participate in effective educational programs.

Better communities will require better education. But better education will require better communities. Where and how are we to begin improvement?

Good luck, governor. CPR

William Allen strives valiantly but with limited success turning sows' ears into silk purses in UCLA's economics department.

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Pulliam

(Continued from page 5)

based on an analysis of the statute's constitutionality and rest on a factual record, not pre-emption due to a Supreme Court decision in another case.

Is Pfaelzer really this incompetent, or merely unscrupulous and wily? Who knows? But clearly, her indefensible ruling will add a potentially very long delay to settling the case. That's because, by sidestepping the constitutional question, she denied California its right to state its case for 187's constitutionality. On December 12, the District Court denied the attorney general's motion for reconsideration. The court will probably issue a permanent injunction early this year, from which the state of California will appeal. If the case is appealed on the present, incomplete record, the ultimate resolution will be delayed substantially, because the Ninth Circuit Court of Appeals will either have to remand the matter for further findings on the equal protection issue or decide the preemption issues without addressing the critical legal question: do the constitutional findings of *Plyler v. Doe* apply?

Given the numerous errors in the court's analysis, it will almost certainly be reversed on appeal. That process should waste a year at least, which may have been all 187's opponents hoped to achieve anyway. It could be several years before the U.S. Supreme Court addresses the equal protection issue. Meanwhile, the injunction over-riding the will of 5 million voters continues indefinitely. Maybe the most apt Greek metaphor is Sisyphus, whose eternal labors were both physically exhausting and ultimately futile. Only time will tell. CPR

THE WORKING PRESS

San Francisco Welcomes 'the Speaker'

BY TIM W. FERGUSON

FORTUNE MAGAZINE a few months ago selected San Francisco as the best U.S. city for business. The anti-corporate *Bay Guardian* snickered, and so did others less hostile to the profit motive. Sure enough, *Fortune* was looking pretty silly after the December elections. Not only was Willie Brown elected mayor, but lefty city supervisor Terrence Hallinan squeaked in as district attorney. White collars are doubtless to be a frequent target of the new prosecutor, who in his last days on the board introduced a motion to boycott Bushmills Irish whiskey because the Ulster-based company doesn't hire enough Catholics.

Brown himself is likely to be a mixed bag for business. The powerful downtown interests can count on his well-demonstrated capacity to cut deals to aggrandize himself further. And, sure enough, the local Chamber of Commerce gave Willie a wet kiss on the eve of his inaugural. But even more than in Sacramento, "the Speaker" is going to have difficulty satisfying the clamoring interest groups of the left without taking flesh out of the productive sector. Normally, this means that unorganized entrepreneurs and merchants can expect to be pillaged.

The *San Francisco Chronicle* local section, noting also the portentous defeat of Republican Supervisor Annemarie Conroy in November 1994, said the latest vote signified that city conservatives were "out in the cold" for perhaps a generation. This will make all the more lonely and important the commentaries of the *Chron's* own usually right-of-center Debra Saunders in the months to come.

The liberal press still believes in redemption. Gov-

Tim W. Ferguson is California Political Review's *press critic.*

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ernor Wilson got Big Media bouquets for his state-of-the-state speech, even though it was infused with enough Eloise Anderson themes on social welfare also to draw hosannas from Lance Izumi at the Pacific Research Institute. The *Los Angeles Times* editorialized on "The Return of the Old Pete Wilson," blessing him for "putting aside the face of demagoguery" and omitting mention of immigration and affirmative action.

The positive spin was set in motion by trusty mouthpiece Dan Schnur, who told National People's Radio a few days before the speech that the improved budgetary outlook would permit Pete to return to the "preventative government" approach of his first year in office. Libertarians will want to watch what all comes of that.

The *Times* did scold Wilson for clinging to his proposed 15 percent tax cut, and if he sticks to that and stays out front with his friend Ward Connerly on the Civil Rights Initiative, he can expect not to be in the good graces of Big Media for long. But the plaudits that an essentially conservative social message drew from the liberal establishment do suggest how much the center of gravity has moved on such issues in recent years. Wilson's own evolution on a host of policy fronts is further testimony of a rightward gravitational pull. This electoral trend might make for an interesting analysis in some newspaper some day.

Unless significant taxpayer relief makes it through the state Senate, the big winner from California's improved fiscal position is likely to be the academic blob. The K-12 school districts will get the biggest share, thanks to Proposition 98, and Wilson agreed to halt the tuition increases that were finally beginning to equalize costs of the UC and Cal State campuses with the independent colleges. Fee hikes amounted to an assault on middle-class welfare and this naturally upset large numbers of the vote-rich middle class, so now that march has been halted.

Gray Davis, scampering to find an issue to ride in his likely contest with Kathleen Connell for the 1998 gubernatorial nomination, is trying to freeze the fees by initiative. In addition to sparing families of the need to sacrifice the new Grand Cherokee for the kid's undergraduate classes, such a freeze also would shield UC and Cal State from the kind of "re-engineering" that prolonged financial crunches are producing at non-governmental institutions.

It's too much to expect journalists to delve into that, but maybe there'll be more attention focused on the K-12 bureaucracies now that an initiative has been hatched to mandate that education funding go 95 percent to school sites as opposed to central offices. LA Mayor Richard Riordan has agreed to chair that campaign.

Curt Pringle's rise to the speakership promises to cut a good part of the Capitol press horde out of the information loop. (They can go cry on denmother Sherry Bebitch Jeffe's shoulder.) But reporters who've kept the channels to the Republican right open may get some good stories now that all the rotten fruit from 25 years of Democrat manipulation is cleaned out of the Assembly hamper. When the GOP finally managed to shake the vestiges of Willie, the *Orange County Register's* Daniel Weintraub had one of the few good sidebars on Pringle's coup. It got beyond the usual stereotyping of Cavemen and noted Bernie Richter's critical role.

This is how Nanette Asimov's front-page *Chronicle* news story on attempts at UC Berkeley to circumvent the Regents' closeout of affirmative action began: "'Education,' writes Nelson Mandela, 'is the great engine of personal development. It is through education that the daughter of a peasant can become a doctor, that the son of a mine worker can become the head of the mine, that a child of farmworkers can become the president of a great nation.' The freedom-fighter-turned-president is discussing his native South Africa, but his words describe a universal truth with special meaning in California." This is a style of writing that anyone who's edited a college newspaper will recognize as an early attempt at journalism by a freshman who's used to getting As on high-school essays. Why a well-paid editor at the state's second-biggest daily allowed it to pass into print is something perhaps only ideology can explain.

That said, San Franciscans can remain thankful for the Matier & Ross political tidbit column that appears frequently in the *Chron.* It's one of newsiest collections of local and state items anywhere. The continued absence of any such information source in the *LA Times* — whose own columnists rarely break any news with their thumbsucking reflections — is why none of its readers can expect to stay informed about politics unless they have some other source of news. Forget our disagreements with the paper's slant on things, why would any metro publication want to stay so aloof from the give and take of state affairs? CPR

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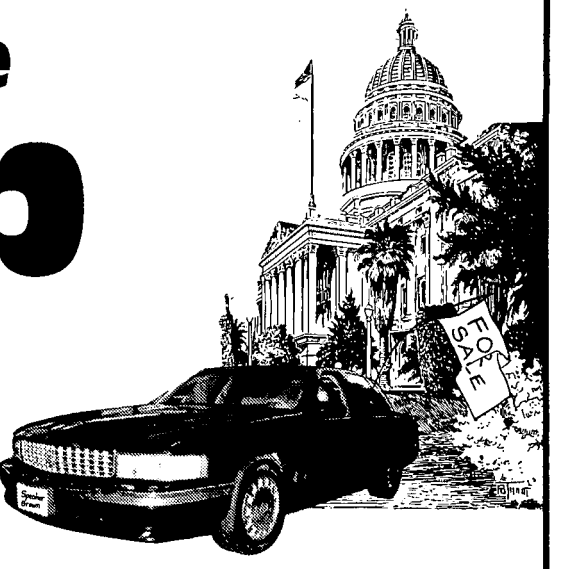
COVER ARTICLE

Draining the Swamp



Conversations with members of the GOP Sacramento Reclamation Crew

Curt Pringle, Ray Haynes, Steve Baldwin, James Rogan, and Bruce Thompson

Curt Pringle

Speaker of the California Assembly

CPR: A liberal Democrat writer said Willie Brown made the Assembly a casino for buying and selling influence. Was Brown more of a liberal, or just an opportunist? What sort of establishment are Republicans overturning?

Pringle: I believe Brown used every tool available to him as Speaker to continue to control the Assembly to advance his agenda and his agenda was liberalism. What's happened the last couple of weeks represents the change the people voted for in November 1994. At the top of our list are tax issues, job creation, and regulatory, education, and tort reform.

CPR: Republicans have, so to speak, two legs of the stool: the governor's office and the Assembly. Is that enough to redirect the state significantly, or must you have the Senate too?

Pringle: It's enough to accomplish a lot. After 25 years of Democrat dominance, there are lots of opportunities. Seldom have controversial issues been left at the Senate's doorstep. Now they will have to debate a lot of ideas. I don't believe Bill Lockyer can hold back the tide on everything.

Anyway, we have to make real progress this year. People expect more from us than just putting the Assembly administration in order. They expect real movement in policy and our caucus is dedicated to that. Granted, last year was lost due to Democrat shenanigans, and we have a one-year term, but I'm committed to making the major policy changes the people want that will insure we win a majority again this November.

CPR: How should Assembly Republicans handle abortion funding in Governor Wilson's budget?

Pringle: I look at tackling that issue in several ways. One is to look for common ground. Our caucus is one-fifth of the budget equation: four caucuses and the governor. There's no question that a majority of our members are prolife. We have to find things that can be agreed to by others. I made this point to the governor and the department of finance and they came back with a variety of proposals that need to be presented to others. The ENABL program — "Education Now and Babies Later" — a program the governor established in 1991 or '92, was an abstinence program. Requests for Proposals under ENABL required participants to talk about abortion as part of the curriculum and several abstinence groups that wanted to participate did not want discussion of abortion included. So most of ENABL's $5 million budget went to organizations such as Planned Parenthood. This year the governor eliminated ENABL, partly because he doesn't believe it achieved its goal, but also partly responding to those of us concerned about where the dollars were going.

CPR: Has an alternative been proposed?

Pringle: Yes. One is a community grant-type program

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without the restrictions but that would allow a variety of groups to apply for matching funding from the state and still be able to teach the way they want to teach.

Another objective discussed in our caucus last year was a reduction of the Office of Family Planning [OFP]. The governor has proposed a $27 million reduction from its $65 million budget. He's proposed to use $20 million of that to expand the availability of female contraception under Medi-Cal, which now offers contraceptive services, other medical services, and services for abortions to anyone with an income up to 133 percent of the poverty level. The governor proposes to expand contraceptive services only — not abortion or other medical care — to people up to 200 percent of the poverty level. Taking it out of OFP eliminates a lot of those health clinic grants. About 70-plus percent of those dollars went to Planned Parenthood. This is something the prolife community has been requesting. We are trying to work with the governor, but we understand the limitations of dealing with a governor and Senate that are not prolife.

CPR: Do those limitations make this a bad time to try a legal challenge to court-imposed tax-funded abortions?
Pringle: Yes.

CPR: Regarding the governor's $27 million OFP cut, won't the abortionists use tax dollars to pay non-abortion expenses, freeing up other money to buy abortions?
Pringle: Could some of those dollars find their way back to

How the Willie-Paul-Doris-Brian-Democrat Banana Republic of California fell at last

As told to California Political Review by James E. Rogan

We had made a motion to change the Assembly rules, which Speaker Setencich ruled out of order. We then moved to appeal the decision of the chair, which is the next parliamentary step, and he said I'm not going to entertain your appeal. I raised a point of order: Mr. Speaker, I said, a legitimate motion has been made. You have no right by fiat or whim or caprice simply to say you will ignore it. I have read all the precedents of the house that allow the rules to be voted upon.

He said I'm not going to rule, then shut off my microphone.

But Brian made the mistake of moving me to the front row that day rather than the back because he saw that [38th Assembly district GOP candidate] Tom McClintock — an expert on parliamentary procedure — was back there coaching me. The only live mike in the place (once Brian had shut mine off) was his. In my big Irish baritone I kept saying: Mr. Speaker, point of order. Mr. Speaker, point of order. I let him know I'm not going away, you're not shutting me up, and you're not conducting business. I started citing all the sections in Mason's Manual and the house rules that say the Speaker may not refuse to put a legitimate motion before the house. If he does refuse to do that the house may bypass him and elect a temporary presiding officer. I told him we were going to do that if he refused to obey the rules. He just kept shutting off my mike.

He was just a babbling idiot up there. Even the press was stunned. I went to [Sacramento Bee political editor] John Jacobs and some of the others and said: all right, you've been covering for him, but you've been up here for 30 years and I want you to tell me what you think about what you've just seen. Their words were "disgraceful," "an embarrassment." It was as if George Bush had said I have done a poll; I don't have the votes to beat Clinton, and so we are just not going to call an election. I'm cancelling the election and I'm not leaving; I'm just staying for four more years. That's exactly what Setencich was doing.

He finally banged the gavel, declared a recess, and stormed out of the chair to go caucus with the Democrats. In the meantime, he put Kevin Murray and some of the big, beefy Democrats standing at the podium to prevent anyone from getting up there in his absence. I told Pringle: I have the parliamentary law citations. You give me the word. I'll call this meeting back to order. We'll elect a temporary presiding officer and change the rules.

They thought they would turn off our mikes, say you're out of order, refuse to rule on the motion, and we'd just go away. When they threw out Mountjoy we just let them role us. It wasn't going to happen this time. Pringle told me: you're in charge of the floor, so I took charge. We forced the vote that brought Setencich down.

The day I took the oath of office I knew I'd meet people with partisan differences, but also believed I would meet people with dignity, of goodwill, and of unquestionable ethics on both sides. Although I believe that I work with decent individuals on both sides, I will be mindful to my dying day that every single Democrat who took the same oath I did to respect the law, to preserve, protect, and defend the constitution, illegally voted to expel a duly-elected member for no other reason than to reelect Speaker Brown.

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Planned Parenthood? That is possible. The difference, though, is you're not giving a grant to Planned Parenthood to set up a free clinic to distribute condoms. Those clinic dollars build Planned Parenthood's infrastructure. Not giving them the money to set up those clinics is movement. When you start seeing progress with a governor who disagrees on this issue, and you say: forget it, that's insignificant — how do you expect to get any progress again? It may not be everything we want, but it is progress.

CPR: What are you learning about how Willie Brown, as he put it, misappropriated Assembly funds?
Pringle: We've closed his Los Angeles office; [former Speaker] Brian Setencich closed Doris Allen's Orange County office, but never fully cleaned it out. The Orange County and L.A. speaker's offices cost taxpayers $55,000 a month. They had all sorts of Democrat services folks there: they had sergeants on duty in L.A., they had Cadillacs down there — we are peeling back, bit by bit, layers of this onion to insure that the $76 million taxpayers spend on operation of the state Assembly is spent properly and that what is not necessary is given back.

CPR: Democrats say you're mean-spirited — are you?
Pringle: You're seeing a bunch of senior Democrats whining because they're no longer in control. We moved some from committees they've been on for 5, 10, 15, or 20 years. They don't realize, one, that Republicans are now the majority and, two, that they are moving out because of term limits. It's important to have Republicans at the helms of those committees and it's also important that new members, Democrats and Republicans, take part in deliberation and debate on key issues.

CPR: How is Republican unity now and where does Brian Setencich fit into the picture?
Pringle: I believe our caucus is very unified. We need to reach out to Brian. He is the 41st vote on a lot of key legislation and is welcome to be a part of the caucus.

Ray Haynes

36th State Senate District

Senate Bill 994, authored by Ray Haynes, limits abusive wrongful termination and shareholder derivative suits. Haynes' bill, with Senator Tim Leslie's S.B. 31 (capping punitive damage awards) has passed the Assembly. As of mid-January, both were awaiting action in the Senate Judiciary Committee.

CPR: Why target wrongful termination and shareholder suits?
Haynes: Their impact on businesses, particularly growing and high-tech businesses, is serious. In shareholder derivative suits, shareholders sue the board of directors when a board investment results in lost value to the business's stock. By it's nature, investment is risky. A cottage industry has developed among lawyers drafting huge shareholder suits — class action suits — to extort money from high-tech businesses. Two or three California lawyers make millions at it, at the expense of investment in research and development.

In wrongful termination cases, we have found, juries work out their frustrations with their own bosses on someone else's employer. The average wrongful termination verdict is something like $1.2 million — rewarding terminated employees with wages for the rest of their lives, even if they get a job the day after the verdict comes down. Also, the courts, beginning with Rose Bird, have turned even the smallest utterances by employers into explicit contract agreements. In effect, employees have been able to convert "at will" employment — which presumes the ability to fire at any time — into contract employment for a term, even though the employer made no such term agreement. It's unjust, dishonest, and extremely harmful to job creation.

CPR: Is the public with you on these issues?
Haynes: They favor tort reform and when they understand the specifics of shareholder derivative and wrongful termination suits, most people agree with us. All employers understand wrongful discharge, and they will tell you it's out of control. It's interesting that, in '93 and '94, Bill Lockyer ran up and down the state saying he was pro-business and that business should give money to Democrats because "we're going to listen to you." S.B. 994, which addresses the area of most lawyer abuse of business, is right in Lockyer's face. He's being pushed hard and it's testing his patience. He's losing his temper more often.

CPR: Despite his pro-business talk, Lockyer's opposed?
Haynes: He's a wholly-owned subsidiary of the trial lawyers association. They are his biggest contributor. I believe they'll kill 994 in Senate Judiciary. If they do, we have some strategies that, for now, are, so-to-speak, under the hat.

CPR: A barrage of reform bills, publicizing each one they kill?
Haynes: That's an option. Part of the Assembly "Contract with California" is to contrast the two houses in that fashion.

Steve Baldwin

77th Assembly District

CPR: Who are California's schools designed to serve: students, or those who run the system?

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Baldwin: Schools now fulfill various political goals of the CTA. Teaching methodologies benefit certain textbook publishers with ties to federally-funded education laboratories. They spew out faulty education methodologies: "whole language" instead of phonics, "New New Math" instead of a computational approach.

CPR: *New* New Math?
Baldwin: The idea is that children don't need to master multiplication tables and that it's horrible to cause children to memorize things like fractions. Instead we should follow more "constructivist" — that's the word they use — approaches. For example, they'll have a kid write an essay about a math equation: if you had to cut a tree down every day for a month, how many trees would you have cut, and how do you feel about having cut down all those trees, in 700 words or less? They also use complex games: sorting blocks, for instance, to figure out complex math equations. Math professionals will tell you it will set our kids back a generation. But schools up and down the state are adopting "New New Math" textbooks, without a peep from the state board of education, which is supposedly full of Republicans, not a peep from [State Superintendent of Public Instruction] Delaine Eastin, of course, and not a peep from most of our state school boards. The only people screaming and crying — and I have about 50 letters on my desk — are parents and even some math teachers who are coming out of the woodwork. Most of the parents coming to me are professionals — math professionals, computer science people, people who know their math.

CPR: What do they say is wrong with this new math?
Baldwin: There's no focus on computation; instead it's political correctness and using calculators and computers before mastering computation. Take away the student's calculator, ask him what seven times seven is, and half the kids in California can't answer — they're hopeless away from a machine.

CPR: What will Assembly Republicans do about it?
Baldwin: We had the most radical Education Committee meeting in history last night. [This interview was conducted in mid-January.] We wiped out teacher tenure. We basically wiped out bilingual education: we said schools can have no more funds for bilingual education after three years; if you can't make the transition from the native tongue to English fluency in three years, then no more bilingual funds. The majority are going on for five to eight years. It is a political thing: they want to keep a kid in his native culture; meanwhile the kid can't perform in our economy when he graduates.

CPR: Didn't the bilingual program "sunset" long ago?
Baldwin: There is no mandate to stop it and districts are continuing it. It takes a state mandate. I hate to have more mandates, but if we don't mandate a loss of funds for failure to transition after three years, most will continue to spend five to eight years teaching the kid in his native tongue.

CPR: Is there also a broader effort to overhaul the education code and abolish the department of education?
Baldwin: We have two bills: Bruce Thompson's bill, which was killed last time, to set up a commission run by Republicans to review the code, a major undertaking — that's 200,000 statutes — to go through to find what we can get rid of and what we can't. Some parts are federally mandated, but I think we could get rid of 60 to 70 percent of the code.

I am carrying a bill to abolish the department of education and to transfer all responsibility and authority for education into the governor's office in a cabinet-level position. Now we have a bifurcated system, with the governor controlling half of the policy, and Delaine Eastin half. It's ridiculous. Most states have either an independent, elected board controlling everything, or the governor in control. My bill would also abolish the office of superintendent, a constitutional change that would have to go on the ballot.

CPR: Do you see other encouraging developments?
Baldwin: The governor, in his State of the State speech, advocated a voucher proposal. We almost fell out of our chairs. We are now working with the governor to develop a vehicle. We are talking about a voucher for Christian schools, Jewish schools, atheist schools — a voucher that could be used for whatever kind of school you want. It's a targetted voucher. It would be only for the five percent lowest-performing students, but the governor is doing something pretty brave here. It would probably only go to students at the worst performing schools in the state, mostly inner-city schools, but it's a crack in the monopoly and we're encouraged by it.

Bruce Thompson

66th Assembly District

CPR: What is wrong with Governor Wilson's proposed budget with regard to taxpayer-funded abortions?
Thompson: It still funds them. He shifted $20 million out of the Office of Family Planning budget, leaving $43 million, give or take a million. He put the $20 million into a new welfare category going to county hospitals. It is supposed to be used for contraceptive programs within those hospitals. Most of that money used to go to Planned Parenthood which in turn performed abortions, but you won't hear Planned Parenthood complaining. They also are carriers for California's welfare program, for MediCal, for Medicare, those things, and Wilson also proposes to increase from 133

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to 200 percent of the poverty level those people that qualify for this money. Planned Parenthood feels these people will come to them rather than to a county hospital. The money can be used for administrative costs or whatever and they end up using the other money they had for abortions. Technically that money doesn't go for abortion, but those of us who understand the industry know that ultimately it does.

CPR: Haven't state courts, by ruling that the state must fund abortions, removed the Legislature from this debate?

Thompson: The Rose Bird court did that in 1981. In the late '70s, voters passed a constitutional amendment — it was known as the "privacy initiative" — which said, basically, what goes on behind closed doors between people is their own business. The Bird court ruled that this somehow covered abortion, and that when the people voted for this initiative they were also voting for government-financed abortion — the whole thing was a scam. But in the 1980s, Deukmejian's budgets always said we were not going to pay. The federal government does not pay for abortions, so why should we? As soon as they passed, the pro-aborts would sue, it would go to court, and the court would say you have to pay. The last time that happened was 1987. Since then, we have redone the Supreme Court. What we have been asking is: let us go back and see if the court will hear this, as they should, in a new light. The governor refuses. He refuses to meet with me and Ray Haynes on this issue. All we are asking is give us some movement: really reduce OFP or do away with it, let us go back to court, and if what you all are saying is true — that they will just rule against us — then what have you lost?

We had the most radical Education Committee meeting in history. We wiped out teacher tenure. We wiped out bilingual education.

— Steve Baldwin

CPR: Is your disagreement with the Assembly leadership on this issue less about objectives than timing?

Thompson: Yes, but when is the proper time? Do you wait until Pete Wilson is no longer governor? Do you wait until Dan Lungren is governor? If that is the strategy, let's make sure people know it. I am waiting for someone — including the leader — to say this is the plan: this is what we will do.

CPR: What about proposing other initiatives for reducing abortions — making adoption easier, for instance?

Thompson: My focus is 120,000 state-paid abortions each year — one third of California abortions. After you do away with that, then fine: there's no question that we should loosen the strings so people can adopt these kids and put them in good families. But there has to be dialogue to make these things happen, and now there is no dialogue. You can introduce any legislation you want, but to come up with a bill and hope it gets through the Senate and then hope the governor signs it — that'd be almost impossible. It's a lot easier if the governor says: okay, this is the compromise, that is what I am willing to do. More would happen if the prolife people in the districts start putting pressure on their prolife legislators to hold off on the budget until the governor does something. But I can't do that. I have no leverage over my associates; it has to come from the grass roots. Our people are out there but aren't organized and haven't been for years.

CPR: What are your plans now that you were not named budget committee chairman as you'd hoped?

Thompson: I will re-evaluate how I can continue the cause.

CPR: Are you going to try to bring this to the floor anyway?

Thompson: Absolutely. Five or six will stand up with me. After the budget was signed last summer, 42 prolife legislators signed a letter with these same goals in mind. But somewhere between then and now, they changed their minds about what they think should happen. I am waiting for someone to say this is what we should do.

James E. Rogan

43rd Assembly District

CPR: How are you changing the workings of the Assembly?

Rogan: We are trying to end the absolute power of the Speaker to run the entire house. The most blatant example I've seen involved a Democrat member of a committee. It happened about a year ago. Willie Brown walked into the committee room and told the member to change his vote on a bill or he'd take him off the committee. The member said: I can't change my vote on that bill; I'm the co-author. Willie said: change your vote or you're off the committee. He changed his vote. We're trying to end that. We don't think it's healthy for the house or for policy.

CPR: Will you end the Speaker's power to name all committee members of both parties?

Rogan: The Rules Committee is the only committee elected by the caucuses. My limited experience has shown me there are a lot of moderate and conservative Democrats

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who agree with us on many issues: Democrats who will support tort reform or strong public safety measures if given their head. Unfortunately, the caucus under Willie Brown and now under Richard Katz is dominated by the most liberal Democrats. They have not and will not put moderates on committees where we want to move important policy.

CPR: But now Republicans control majorities and don't need Democrat votes. Why not let them run their caucus?

Rogan: Suppose moderate Democrats don't want Katz keeping them from working with Republicans to pass reforms they believe in. Should we help Katz send them where they can't vote with us? I'm not talking about the kind of situation we had with Republicans going against the voters who elected them and getting recalled for it. These are Democrats who are forced out of step with their own districts by their liberal leaders. They want to move to the middle — that's what their own voters want them to do. CPR

Orange County's Champion of the Law

Heretofore unchallenged as the County's least competent public official, Robert Citron now faces stiff competition from hard-charging District Attorney Mike Capizzi

by Leon McKinney

Increasing criticism threatens to engulf Orange County's controversial district attorney, Mike Capizzi, much of it centering on the heavy-handed tactics that allegedly are becoming something of a signature of Capizzi-run investigations. Most recently, court transcripts indicate that on January 4 several former Orange County grand jurors told Superior Court Judge David O. Carter that Capizzi "intimidated" them — successfully, it seems — into abandoning their efforts to bring in an independent counsel to aid their investigation of Orange County's bankruptcy. Judge Carter evidently grew suspicious of the DA's tactics after several of the jurors asked his advice about subpoenas from lawyers requesting that Capizzi be disqualified from participating in prosecutions against three Orange County public officials. Carter called a meeting with the grand jurors who evidently gave him an earful. After reading the meeting transcripts, County Supervisor William G. Steiner's attorney said Capizzi's treatment of the grand jurors "looks like an obstruction of justice from the DA."

Further indication that Capizzi has developed a taste for thuggish bullying and intimidation was his office's December 22 raid on the Huntington Beach home of California Assemblyman Scott Baugh. Baugh is a target of a Capizzi "investigation" into allegations he and others might have some connection with technical errors in the candidate paperwork filed by Democrat Laurie Campbell, who tried to run as a replacement candidate in last November's Doris Allen recall election. The idea is ludicrous enough that any district attorney would involve himself and substantial resources of his office in a full-blown "investigation" of a "violation" so common and trivial that not only did *another* Democrat in the same race (Linda Moulton-Paterson) evidently make nearly exactly the same errors on her filing papers, but so did *Capizzi himself* in filing for not one, but *two* of his own re-election campaigns, in 1990 and again in 1994. Such everyday paperwork mistakes are routinely handled administratively by California's Fair Political Practices Commission, at most bringing a token fine, and invariably ignored by local DAs.

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But not by Capizzi, who not only devotes expensive investigative resources to probing Baugh, but felt it necessary to invade the man's home. Perhaps at some point Capizzi will explain what fearful specter so alarmed him about the soft-spoken Baugh that he thought it necessary to send *seven* stout-hearted, armed agents to pound on the assemblyman's door in the early morning hours three days before Christmas. It might be enlightening to hear what so frightened Capizzi's minions that they felt compelled to refuse Baugh's request to be allowed to finish dressing while they tramped around his home searching for clues. While they're at it, they might explain why they roughed up Baugh when he tried to take their pictures, then lied about having done so until the owner of a nearby market who'd witnessed the scuffle said he saw it happen.

Or, well, maybe, on the other hand, we should extend some understanding to poor Mr. Capizzi. Maybe some people just enter the world possessing the basic instincts of a Gulag guard, and can't help having trouble adjusting if unkind fate dropped them into the United States of America instead of Stalinist Russia where they'd have been much more at home.

Whatever the cause, Capizzi clearly finds life in a republican democracy bewildering. For instance, he responded to a blast from an *Orange County Register* editorial following the raid in a letter to the editor asserting that indeed it was not only appropriate for his office to conduct this "investigation," it was its duty: "A cornerstone of democracy is public confidence in the electoral system. In this regard, a prosecutor's duty is to vigorously enforce the law in general and in particular as it applies to assure honest elections." The letter made no mention of the curious coincidence that the raid on Baugh's home just happened to follow almost immediately the filing of a complaint by Baugh supporters with the state attorney general asking an investigation of Capizzi's own campaign filing errors.

It also conspicuously failed to explain a series of cases involving genuinely substantial campaign violations over recent years that Capizzi has studiously ignored. In 1993, for instance, proponents of Proposition 174 asked him to investigate whether the Tustin Unified School District and other districts were violating the state education code *and* the Political Reform Act by waging an illegal campaign against the initiative involving sending anti-174 letters home with students and teachers passing out fliers and agitating in class against 174. Although the complaint was filed on September 29, 1993, Capizzi's office didn't reply until November 17, conveniently after the election was over and 174 had been defeated.

As revealed in a *Register* editorial at the time, Supervising DA Guy Ormes (who's leading the Baugh/Campbell investigation) told 174 supporters that "we have spoken to the attorney for the TUSD about the potential problems with this type of conduct, and do not expect any similar activities in the future." He suggested that if the 174 camp was really upset it could always file a civil action. Proposition 174 Campaign Manager Ken Khachigian replied to Ormes that his office's handling of the TUSD case was "a whitewash of the extraordinarily aggressive application of public time and resources by school superintendents, other administrators, and school teachers in opposition to Proposition 174. From what I've seen of the full-bore investigation conducted in other matters, your inquiry pales in terms of the time devoted." Not to mention a complete lack of Capizzi-signed letters to the editor instructing us about democracy's cornerstones or honest elections.

Again, last year Capizzi's office refused to intervene when the Fullerton city clerk violated the election code by refusing to call a special election to replace several city council members after they had been recalled for passing a new utility tax at the behest of city employee unions. While Capizzi yawned, the recall movement had to find a superior court judge to hear them and then duly direct the clerk to call the election as required by law.

No, if you want to witness Capizzi in action, to see first-hand his slippery grasp of legal propriety and narrowly-drawn devotion to justice, it's best to examine cases involving conservatives or Republicans. Several individuals, for instance, have told me they've witnessed Capizzi's investigators hinting to Baugh and to Campbell that life would be easier for them if they would help the investigation. These same individuals allege that investigators have said they'd be glad to trade Baugh and Campbell for "a speaker or a Congressman." It is not all that unusual for prosecutors, especially those more naturally fitted for Gulag work, to resort to squeezing even innocent witnesses in hopes of coercing them into revealing, or manufacturing, evidence that implicates higher ups. But is it possible even Capizzi, who reputedly wants to run for attorney general — as a Republican! — really thinks such tactics could enhance his "political viability"?

Capizzi's thuggish, clumsily self-promoting, and strangely selective official activities are continuing. Where they will lead will be taken up next issue. CPR

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Was de Tocqueville right?

In anticipation of California's March primary, *CPR* asked the top California representatives of six Republican presidential campaigns to consider the following warning laid down when our nation was young by a visitor from France, Alexis de Tocqueville, and to answer these questions: is de Tocqueville's prediction coming true? If so, why do you think so and what should be done? If not, what is America's most pressing political concern and how does your candidate propose to approach it if elected?

Their answers follow, in reverse alphabetical order. Except in Lamar Alexander's case, the words are *not* those of the candidate, but of the candidate's California representative expressing the candidate's message.

Writing in 1840, in a chapter of *Democracy in America* titled "What sort of despotism democratic nations have to fear," de Tocqueville observed:

> [T]he old words despotism and tyranny are inappropriate: the thing itself is new; and since I cannot name it, I must attempt to define it ... The species of oppression by which democratic nations are menaced .... is absolute, minute, regular, provident, and mild. It would be like the authority of a parent, if, like that authority, its object was to prepare men for manhood; but it seeks on the contrary to keep them in perpetual childhood ....
>
> It covers the surface of society with a network of small complicated rules, minute and uniform, through which the most original minds and the most energetic characters cannot penetrate, to rise above the crowd. The will of man is not shattered, but softened, bent, and guided: men are seldom forced by it to act, but they are constantly restrained from acting: such a power does not destroy, but it prevents existence; it does not tyrannize, but it compresses, enervates, extinguishes, and stupefies a people, till each nation is reduced to be nothing better than a flock of timid and industrious animals, of which the government is the shepherd.

ALAN KEYES

By Norman Walker

Alexis de Tocqueville correctly observed that the tyranny of civil government absorbed in regulative minutia smothers our citizens and our society. As children of the framers and founders of our constitutional republic, we do not trust the rule of men. Like our forefathers before us, we prove that we believe that man is a fallen creature and though capable of good, left to his own devices will inevitably choose his personal ends over the ends of the body as a whole. The Constitution was designed, in large measure, to balance the self-ingratiating tendencies of individual men or men acting in concert against the greater interests of the "people." The idea was that we would live under a rule of law. The Constitution, the supreme law of the land, would reflect in its principles the deeply-held beliefs of its framers. It would be a final and impregnable line of defense against the tyranny of despotic leaders.

What has happened over 200 years to bring us to our

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present position? The moral consensus that was the nation's compass has virtually eroded away with time. The intellectual climate among the citizenry of the 18th and 19th centuries was considerably different from what we see today. One cannot read the papers and documents, public and private, of the time without concluding that theirs was a religious society that held almost universally to the truth: "There is a God and man is subservient to His will." Even legal briefs, pleadings, and rulings made reference to Biblical principles. The stranglehold of law results from a people unsure of themselves and of others, without a moral compass or consensus, but nonetheless agreeing with the founders that man's behavior needs regulating. Without effective self-government made efficacious by strong religious convictions, more laws, more rules, more regulations in greater detail are sought. Philip K. Howard told how law was suffocating America in his book: *The Death of Common Sense.* Common sense was common among previous generations because they shared values and beliefs. We can see ample proof of this by what they held to be self-evident. We might say that common sense tells us "...that all men are created equal, that they are endowed by their Creator with certain unalienable Rights..."

America needs a president who will use the office to exert courageous moral leadership, to propose a legislative and executive agenda that will lessen the burden of civil government on the citizenry, and who will restore the faith of ordinary Americans in themselves and their government.

Norman Walker is campaign manager of Californians for Keyes.

Just as he did with the Clinton Health Plan, Gramm will say 'no, no, no' and make the no stick.

— Lorelei Kinder

PHIL GRAMM

By Lorelei Kinder

IN THE same chapter de Tocqueville also writes: "above this race of men stands an immense and tutelary power which takes upon itself alone to secure their gratifications and watch over their fate ... it provides for their security, foresees and supplies their necessities, facilitates their pleasures, manages their principal concerns, directs their industry, regulates the descent of property, and subdivides their inheritances." And he concludes: "what remains, but to spare them all the care of thinking and all the trouble of living?"

Is there anyone among us who would deny the truth of de Toqueville's insight?

What is to be done? Those of us who have been participating in the political process understand that only educated, informed, participating citizens can change the inexorable flow of power to centralized institutions. The problem is we no longer have such a citizenry. Education of our children has been relegated to those who would bury our freedoms in the web of security and false equality.

Senator Phil Gramm has stated his position in seven simple words: "I want more freedom and less government." Senator Gramm has long spoken about the need to stem the growth of government, to remove it from our private lives and to confine it to the role visualized in our Constitution.

He would like every child to have the same advantage he had when he was experiencing problems in school: an involved and loving family, and a caring teacher.

I believe Phil Gramm will, as president, stem growth of government and curtail its encroachment into our lives. Just as he did with the Clinton Health Plan, Gramm will say "no, no, no" and make the no stick. He will change the course of our children's lives, opening up vistas of opportunity by providing them an education system that involves parents and provides them the basic tools to compete in the 21st century.

And, most important, Phil Gramm will honor the family and undo the tax laws that inhibit family formation and family growth such as the marriage tax penalty and the inheritance tax. Our future is with our children; our families are the nurturers of that future. De Toqueville's ominous vision will never be realized if we recognize, as Phil Gramm has, that our country, "one nation, indivisible, with liberty and justice for all," needs our nurturing and our care just as our children do. The price of liberty has been and will be eternal vigilance .... That vigilance starts at home.

Lorelei Kinder is California co-director and Alaska and Washington director for Phil Gramm for president.

STEVE FORBES

By William E. Saracino

Our old friend de Tocqueville was as prescient as ever in this passage. He has described American liberalism in the last half of the 20th century with unerring accuracy.

The nanny state, in all its extremes, now exists in America,

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just as Alexis thought it might. What to do about it? Nothing short of a complete change of the culture in Washington will cut the cords placed on America as Gulliver by the Liberal Lilliputians.

We start by smashing the center of political power and pollution in Washington — the IRS and its incomprehensible tax code. By replacing this with a simple flat tax with generous personal deductions, the "power to tax" and "the power to destroy" will be gone. The principle cord tying down our American Gulliver will be cut, hordes of IRS agents will be in job retraining centers, and the free enterprise economy will rocket forward.

Next, we enact term limits for Congress. Still water stagnates — an immutable law of nature. And even the best people sent to Washington, when they stay too long, begin to resemble the people they went there to fight in the first place. Lord Acton was right — power *does* corrupt — and the only sure-fire solution is to limit exposure to the corrupter.

Then, we break the monoply of the National Education Association on our nation's classrooms. Whether by charter school, voucher, or some other means, return the power over our local schools to the parents. Washington has no useful role in our children's education.

Next, we replace the Social Security Ponzi scheme with a system of self-directed IRAs (Individual Retirement Accounts) and SEPs (Simplified Employee Pensions) for our younger workers. Our senior citizens who have already retired, and folks within shouting distance of retirement must be protected. Social Security's promises to them must be kept. But for younger folks — who face the certainty of a bankrupt Social Security sysytem — let's give them the option of putting part or all of the payroll tax into private accounts. That gets the money into the real economy (instead of financing the national debt) and guarantees to our younger workers a sound retirement system.

All these reforms share one idea: taking power away from the Washington elite and returning it to the individual. It *can* work. After all, the American experiment is basically the story of seemingly ordinary people accomplishing extraordinary things — when they are free to do so.

De Tocqueville came away from his visit to America with one crystal clear belief: freedom works. He was right, and Steve Forbes thinks it is time we gave freedom another try.

William E. Saracino is western regional director for Forbes for President.

We start by smashing the center of political power and pollution in Washington — the IRS

— William E. Saracino

BOB DOLE

By Dan Lungren

Somewhere along the 220-year path of American democracy, government of, by, and for the people has become government by "those" people in Washington. By centralizing on the Potomac public policy decisions that affect 260 million people over a vast territory, Washington has engendered a growing indifference and sense of hopelessness on the part of the electorate.

Just as, by adulthood, the institutional welfare child is rendered impotent by an asphyxiating paternity, so the citizenry feels its power and responsibility expropriated by a burdensome bureaucracy thousands of miles away.

That's why this November Americans will make a historic decision in the direction and validity of their government by electing Senator Bob Dole president. Dole's fundamental message of honoring the Tenth Amendment to the Constitution and returning power and authority to state and local jurisdictions (*i.e.*, the people) resonates in every American household.

To be sure, the federal government performs vital functions concerning foreign policy, trade, and commerce. But some of the most important issues to Americans, including crime, education, and the economy, should be directed by state and local leaders who know intimately the pulse of their communities and how best to affect positive change. Transferring appropriate power and accountability from Washington to a more personal and representative arena will encourage people to take active roles in reducing crime, improving schools, and creating jobs.

When our forebears charted the course for American democracy, they intentionally granted the states, and by extension local jurisdictions, autonomy over what was not already delineated in our nation's governing document. Centralized micro-management only saps the democratic spirit out of the citizenry and relegates them to passivity, as the voting percentages in state and local elections lamentably proves. Returning power and authority long usurped by the federal government to the people in state and local jurisdictions will help spark a renewed community spirit that is critical for surmounting many of the problems our nation faces.

Resuscitating federalism to its appropriate role requires a chief executive with foresight, strength, and courage to tame our bureaucratic behemoth. It requires a leader who understands that the federal government is a partner with, not a tyrant over, state and local jurisdictions. If American democ-

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racy is to see this nation into and through the 21st century, it must again be a government of, by, and for the people. In November, the people will decide who will lead America, and their collective choice will be Bob Dole.

Attorney General Dan Lungren is Senator Bob Dole's California chairman.

PAT BUCHANAN

By Dick Mountjoy

Alexis de Tocqueville observed in 1840 what Pat Buchanan has been observing and speaking out on most of his life. De Tocqueville asked, "Are we a nation that is falling into despotism and tyranny?" Rule by a despot — a ruler with absolute power, who exercises power abusively — is what we have today with our current president.

Buchanan wants an America where we become one people and one nation again.

— Dick Mountjoy

Pat Buchanan is the candidate who wants an America where the federal government follows the Constitution instead of looking for the loopholes. Buchanan wants an America where the dream of equal justice for all and special privileges for none is a reality. Buchanan wants an America where jobs are plentiful and expanding, where jobs are no longer being sent abroad. And Buchanan wants an America where we become one people and one nation again. This is the kind of America Pat Buchanan is working and fighting for.

In his writings, de Tocqueville said, "not until I went into the churches of America and heard her pulpits flame with righteousness did I understand the secret of her genius and power .... America is great because America is good, and if America ever ceases to be good, America will cease to be great."

Pat Buchanan can provide the leadership necessary to keep America good by safeguarding our sovereignty, our morality, and our freedoms. Pat Buchanan is a man who says what he means and means what he says, a man you can trust to keep America first.

Your vote is precious. Pat Buchanan is the man you can trust with that vote.

Senator Dick Mountjoy is California state chairman of Buchanan for President.

LAMAR ALEXANDER

Lamar Alexander's California campaign submitted the following answer written by their candidate.

In 1994, I went back and read the address that Ronald Reagan delivered in the closing days of Barry Goldwater's presidential campaign. That was in 1964, of course, two years before Reagan served in any public office. His speech — "A Time for Choosing" — became a landmark for conservatives. It deserved to.

Boiling it down, Reagan said that freedom was our central value and that there were two great menaces to our freedom. One was communism abroad. The other was big government at home.

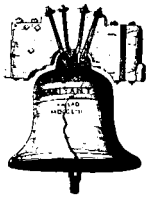
Reflecting on what has happened over the 30 years since he spoke, it's evident that communism abroad — what President Reagan later called "the evil empire" — has collapsed, spreading freedom all around the world. But big government at home, the other menace that he saw three decades ago, has grown into a sort of "arrogant empire" that now involves itself in practically every aspect of our lives. One down, we might say, and one to go.

The nation has had it with the meddlesomeness of government. People are tired of the arrogant empire. That was the issue of the 1994 election and that's one reason we have a different crowd in charge on Capitol Hill today.

The question the country is asking is, as well intentioned as those people in Washington might be, as good persons as they might be, who needs their help? Can we not make these kinds of decisions for ourselves? Shouldn't we expect to?

The answer to that question, as Alexis de Toqueville's *Democracy in America* should remind us, is yes.

Lamar Alexander was Tennessee governor from 1979 to 1986 and U.S. education secretary from 1991 to 1993.



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Conservative Classics

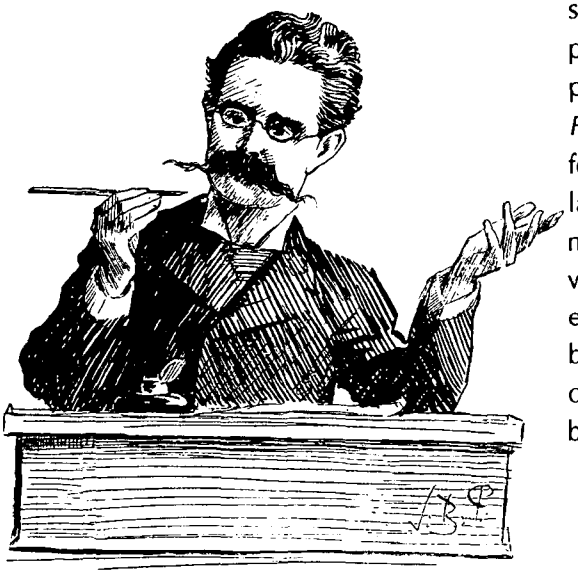
John Marelius, lead political writer for the *San Diego Union-Tribune,* worked himself into a lather late last year in a column titled "Was recalling ex-Speaker Allen worth the trouble? Horsefeathers!" Marelius found it annoying that "shortsighted" Republicans had wasted energy and dollars "getting rid of the lamest of lame ducks" whose "only offense was political stupidity ...." — an analysis on a par with most major media reaction to the year-long Speakership battle, which is to say: pathetic.

Stupidity was Allen's *only* offense? Ignoring for now the notion that enduring an idiot as Speaker for most of two years is something Marelius evidently thinks Californians should suffer lightly, there are the obvious matters of duly-elected Assemlyman Richard Mountjoy's illegal expulsion and the year-long delay in giving California the GOP-controlled Assembly it voted for in November 1994. Allen countenanced and furthered the cause behind these gross offenses against popular sovereignty and rule of law as much as did Paul Horcher. She did so in full co-operation with California's master anti-democrat Willie Brown. Marelius minimizes *these* offenses, calling them "parliamentary chicanery," a boys-will-be-boys characterization that hints at naivete and nitpickery by anyone taking them seriously.

But they *were* serious and remain so, the world-weary cynicism of veteran political reporters notwithstanding. Such profound offenses against democratic procedure show contempt for the human freedom they were created to serve and preserve. Admittedly, it is probably not reasonable to expect Doris Allen to understand all this, and there is a certain innocence in knowing not what we do. But it is *not* too much to expect far-seeing journalistic political analysts to understand it. What is their job if not to explain how destructive even a little "political stupidity" can be?

It is advisable to take refresher courses in the real considerations that make politics important, particularly for those of us who spend a lot of time observing the posturing and pomposities close-up, lest we lose perspective. Thus, *California Political Review's* new regular feature: Conservative Classics, launched in the hope of promoting better understanding of what some Republicans, and even many Democrats, mean by the word: principle. Lesson one: Leonard Read's remarkable 1958 essay *I, Pencil.*

— John Kurzweil



I, Pencil

Leonard E. Read

I am a lead pencil — the ordinary wooden pencil familiar to all boys and girls and adults who can read and write. (My official name is "Mongol 482." My many ingredients are assembled, fabricated and finished by Eberhard Faber Pencil Company, Wilkes-Barre, Pennsylvania.) Writing is both my vocation and my avocation; that's all I do.

You may wonder why I should write a genealogy. Well, to begin with, my story is interesting. And, next, I am a mystery — more so than a tree or a sunset or even a flash of lightning. But, sadly, I am taken for

Leonard E. Read was the founder of the Foundation for Economic Education. I, Pencil *is reprinted by permission from* IMPRIMIS, *the monthly journal of Hillsdale College.*

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granted by those who use me, as if I were a mere incident and without background. This is a species of the grievous error in which mankind cannot too long persist without peril. For, as a wise man, G.K. Chesterton, observed, "We are perishing for want of wonder, not for want of wonders."

I, Pencil, simple though I appear to be, merit your wonder and awe, a claim I shall attempt to prove. In fact, if you can understand me — no, that's too much to ask of anyone — if you can become aware of the miraculousness that I symbolize, you can help save the freedom mankind is so unhappily losing. I have a profound lesson to teach. And I can teach this lesson better than can an automobile or an airplane or a mechanical dishwasher because — well, because I am seemingly so simple. Simple? Yet, not a single person on the face of this earth knows how to make me. This sounds fantastic, doesn't it? Especially when you realize that there are about one and one half billion of my kind produced in the U.S. each year. Pick me up and look me over. What do you see? Not much meets the eye — there's some wood, lacquer, the printed labeling, graphite lead, a bit of metal, and an eraser.

INNUMERABLE ANTECEDENTS

Just as you cannot trace your family tree back very far, so it is impossible for me to name and explain all my antecedents. But I would like to suggest enough of them to impress upon you the richness and complexity of my background.

My family tree begins with what in fact is a tree, a cedar of straight grain that grows in Northern California and Oregon. Now contemplate all the saws and trucks and rope and the countless other gear used in harvesting and carting the cedar logs to the railroad siding. Think of all the persons and the numberless skills that went into their fabrication: the mining of ore, the making of steel and its refinement into saws, axes, motors; the growing of hemp and bringing it through all the stages to heavy and strong rope; the logging camps with their beds and mess halls, the cookery and the raising of all the foods. Why, untold thousands of persons had a hand in every cup of coffee the loggers drink!

The logs are shipped to a mill in San Leandro, California. Can you imagine the individuals who make flat cars and rails and railroad engines and who construct and install the communication systems incidental thereto? These legions are among my antecedents.

Consider the millwork in San Leandro. The cedar logs are cut into small, pencil-length slats less than one-fourth of an inch in thickness. These are kiln-dried and then tinted for the same reason women put rouge on their faces. People prefer that I look pretty, not a pallid white. The slats are waxed and kiln-dried again. How many skills went into the making of the tint and kilns, into supplying the heat, the light, and power, the belts, motors, and all the other things a mill requires? Are sweepers in the mill among my ancestors? Yes, and also included are the men who poured the concrete for the dam of a Pacific Gas & Electric Company hydroplant which supplies the mill's power. And don't overlook the ancestors present and distant who have a hand in transporting sixty carloads of slats across the nation from California to Wilkes-Barre.

COMPLICATED MACHINERY

Once in the pencil factory — $4,000,000 in machinery and building, all capital accumulated by thrifty and saving parents of mine — each slat is given eight grooves by a complex machine, after which another machine lays leads in every other slat, applies glue, and places another slat atop — a lead sandwich, so to speak. Seven brothers and I are mechanically carved from this "wood-clinched" sandwich.

My "lead" itself — it contains no lead at all — is complex. The graphite is mined in Ceylon. Consider the miners and those who make their many tools and the makers of the paper sacks in which the graphite is shipped and those who make the string that ties the sacks and those who put them aborad ships and those who make the ships. Even the lighthouse keepers along the way assisted in my birth — and the harbor pilots.

The graphite is mixed with clay from Mississippi in which ammonium hydroxide is used in the refining process. Then wetting agents are added such as sulfonated tallow — animal fats chemically reacted with sulfuric acid. After passing through numerous machines, the mixture finally appears as endless extrusions — as from a sausage grinder — cut to size, dried, and baked for several hours at 1,850 degrees Fahrenheit. To increase their strength and smoothness, the leads are then treated with a hot mixture which includes candililla wax from Mexico, paraffin wax, and hydrogenated natural fats.

My cedar receives six coats of lacquer. Do you know all of the ingredients of lacquer? Who would think that the growers of castor beans and the refiners of castor oil are a part of it? They are. Why, even the processes by which the lacquer is made a beautiful yellow involves the skills of more persons than one can enumerate!

Observe the labeling. That's a film formed by applying heat to carbon black mixed with resins. How do you make resins and what, pray, is carbon black?

My bit of metal — the ferrule — is brass. Think of all the persons who mine zinc and copper and those who have the skills to make shiny sheet brass from

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these products of nature. Those black rings on my ferrule are black nickel. What is black nickel and how is it applied? The complete story of why the center of my ferrule has no black nickel on it would take pages to explain.

Then there's my crowning glory, inelegantly referred to in the trade as "the plug," the part man uses to erase the errors he makes with me. An ingredient called "factice" is what does the erasing. It is a rubber-like product made by reacting rape seed oil from the Dutch East Indies with sulfur chloride. Rubber, contrary to the common notion, is only for bonding purposes. Then, too, there are numerous vulcanizing and accelerating agents. The pumice comes from Italy and the pigment which gives "the plug" its color is cadmium sulfide.

VAST WEB OF KNOW-HOW

Does anyone wish to challenge my earlier assertion that no single person on the face of this earth knows how to make me? Actually, millions of human beings have had a hand in my creation, no one of whom even knows more than a very few of the others. Now, you may say that I go too far in relating the picker of a coffee berry in far-off Brazil and food growers elsewhere to my creation; that this is an extreme position. I shall stand by my claim. Not a single person in all these millions, including the president of the pencil company, contributes more than a tiny, infinitesimal bit of know-how. From the standpoint of know-how the only difference between the miner of graphite in Ceylon and the logger in Oregon is in the type of know-how. Neither the miner nor the logger can be dispensed with, any more than the chemist at the factory or the worker in the oil field — paraffin being a by-product of petroleum.

Here is the astounding fact: Neither the worker in the oil field nor the chemist nor the digger of graphite or clay nor anyone who mans or makes the ships or trains or trucks nor the one who runs the machine that does the knurling on my bit of metal nor the president of the company performs his singular task because he wants *me*. Each one wants me less, perhaps, than does a child in the first grade. Indeed, there are some among this vast multitude who never saw a pencil nor would then know how to use one. Their motivation is other than me. Perhaps it is something like this: Each of these millions sees that he can thus exchange his tiny know-how for the goods and services he needs or wants. I may or may not be among these items.

NO HUMAN MASTER-MIND

There is a fact still more astounding: The absence of a master-mind, of anyone dictating or forcibly directing these countless actions that bring me into being. No trace of such a person can be found. Instead, we find the Scottish economist and moral philosopher Adam Smith's famous "Invisible Hand" at work in the marketplace. This is the mystery to which I earlier referred. It has been said that "only God can make a tree." Why do we agree with this? Indeed, can we even describe a tree? We cannot, except in superficial terms. We can say, for instance, that a certain molecular configuration manifests itself as a tree. But what mind is there among men that could even record, let alone direct, the constant changes in molecules that transpire in the life span of a tree? Such a feat is utterly unthinkable!

I, Pencil, am a complex combination of miracles; a tree, zinc, copper, graphite, and so on. But to these miracles which manifest themselves in Nature an even more extraordinary miracle has been added: the configuration of creative human energies — millions of tiny bits of know-how configuring naturally and spontaneously in response to human necessity and desire and in the absence of any human master-minding! Since only God can make a tree, I insist that only God could make me. Man can no more direct millions of bits of know-how so as to bring a pencil into being than he can put molecules together to create a tree.

That's what I meant when I wrote earlier, "If you can become aware of the miraculousness which I symbolize, you can help save the freedom mankind is so unhappily losing." For, if one is aware that these bits of know-how will naturally, yes, automatically, arrange themselves into creative and productive patterns in response to human necessity and demand — that is, in the absence of governmental or any other coercive master-minding — then one will possess an absolutely essential ingredient for freedom: a faith in free men. Freedom is impossible without this faith.

Once government has had a monopoly on a creative activity — the delivery of the mail, for instance — most individuals will believe that the mail could not be efficiently delivered by men acting freely. And here is the reason: Each one acknowledges that he himself doesn't know how to do all the things involved in mail delivery. He also recognizes that no other individual could. These assumptions are correct. No individual possesses enough know-how to perform a nation's mail delivery any more than any individual possesses enough know-how to make a pencil. In the absence of a faith in free men — unaware that millions of tiny kinds of know-how would naturally and miraculously form and cooperate to satisfy this necessity — the individual cannot help but reach the erroneous conclusion that the mail can be delivered only by governmental master-minding.

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TESTIMONY GALORE

If I, Pencil, were the only item that could offer testimony on what men can accomplish when free to try, then those with little faith would have a fair case. However, there is testimony galore; it's all about us on every hand. Mail delivery is exceedingly simple when compared, for instance, to the making of an automobile or a calculating machine or a grain combine or a milling machine, or to tens of thousands of other things.

Delivery? Why, in this age where men have been left free to try, they deliver the human voice around the world in less than one second; they deliver an event visually and in motion to any person's home when it is happening; they deliver 150 passengers from Seattle to Baltimore in less than four hours; they deliver gas from Texas to one's range or furnace in New York at unbelievably low rates and without subsidy; they deliver each four pounds of oil from the Persian Gulf to our Eastern Seaboard — halfway around the world — for less money than the government charges for delivering a one-ounce letter across the street! [written in 1958]

LEAVE MEN FREE

The lesson I have to teach is this: Leave all creative energies uninhibited. Merely organize society to act in harmony with this lesson. Let society's legal apparatus remove all obstacles the best it can. Permit creative know-how to freely flow. Have faith that free men will respond to the "Invisible Hand." This faith will be confirmed. I, Pencil, seemingly simple though I am, offer the miracle of my creation as testimony that this is a practical faith, as practical as the sun, the rain, a cedar tree, and the good earth. CPR

ARTS & CULTURE

CRITICUS

Paris for Lunch

BY G. B. TENNYSON

WHILE THE Faux-Criticus was retracing a celebrated path along some less than main travelled roads in order to make a day-return excursion for lunch and culture (see the immediately preceding number of *CPR),* by a curious coincidence the True-Criticus was doing very much the same thing. St. Andrew's Abbey at Valyermo and classical music were the destination and aim of the former, Paris and the fine arts of the latter.

How came this to be? Well, it happened that while the Faux-Criticus (to tell the truth, the duly authorized Surrogate-Criticus, but why be kind?) was roaming the Pearblossom Highway, the True-Criticus

G. B. Tennyson is professor of English at U.C.L.A. and co-editor of Nineteenth Century Literature.

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WHILE THE Faux-Criticus was retracing a celebrated path along some less than main travelled roads in order to make a day-return excursion for lunch and culture (see the immediately preceding number of *CPR),* by a curious coincidence the True-Criticus was doing very much the same thing. St. Andrew's Abbey at Valyermo and classical music were the destination and aim of the former, Paris and the fine arts of the latter.

How came this to be? Well, it happened that while the Faux-Criticus (to tell the truth, the duly authorized Surrogate-Criticus, but why be kind?) was roaming the Pearblossom Highway, the True-Criticus

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(hereafter Criticus *tout court)* in his relentless pursuit of culture was in London. But a London that is now very much closer to Paris, thanks to the Eurostar train, that is, the Channel Tunnel train, which has been running for about a year. Of course, as Dr. Johnson taught us, when a man (he was too politically incorrect to say a "person") is tired of London, he is tired of life, but even Dr. Johnson allowed for the occasional trip away. What chiefly disposed him against such was, as he said, not the being there, but the getting there. But the Eurostar would take care of that. It would also do something even more important: it would enable Criticus to add another entry to his private and utterly useless, but withal aesthetic, contest — The Country for Lunch Contest.

This is not an invitation to a new *CPR* contest .... our first and last one having achieved the extraordinary feat of removing Willie Brown from one office only to install him in another.

Relax, Constant Readers, this is not an invitation to a new *CPR* contest. Those are for the time being at rest, our first and last one having achieved the extraordinary feat of removing Willie Brown from one office only to install him in another. Were we to open the Country for Lunch Contest to all, it might cause stampedes at borders throughout the world comparable to the nightly pouring through the U.S. border sieve that happens down Mexico way and might somehow re-elect President Bubba and Lady Macbeth. *Quel horreur!* Rather, the Country for Lunch Contest is one that Criticus plays by himself. Moreover, it looks to have been already won by the very experience that brought it into being.

That experience occurred over a decade ago. My daughter and I were touring Switzerland on the Swiss Rail Pass and by zealous study of timetables we discovered that, making several close connections, we could go from our base in Zurich to Italy and return all in the same day. This sounds easier than it is, but I'll spare you the details of all the rail connections save one. That one is the linking to the Rhaetische Bahn, a separate but affiliated railway line that recalls in its name the ancient Latin word, Rhaetia, for the area of southeastern Switzerland that is home to its fourth official language, Romansch. Who could resist such obscure and antique associations? Not Criticus.

The Rhaetische Bahn, Europe's highest non-cog railway, makes one spectacularly scenic trip a day over the Engadine Alps to the town of Tirano mere paces across the Italian border. It then turns right-round and goes back. The traveller either stays overnight and returns the next day or proceeds onward into Italy on Italian railways, an often foolhardy undertaking. We had no intention of losing a day of the rail pass by spending twenty-four hours in little Tirano, let alone boarding a catch-as-catch-can Italian train after a week of Swiss ones, so we decided on a third option. We would take lunch in Italy and return with the train the same day. This we succeeded in doing, finding just barely enough time to have a superb lunch in Tirano (magnificent pasta quite justifying the trip) before moving smartly, indeed at a fast walk, and then at a dead run, to catch the departing Rhaetische Bahn as it pulled out on its return trip to Switzerland. Total elapsed time in Italy, including lunch — 44 minutes.

The Italian caper set the standard for the contest. We began to remember earlier stabs in this direction. There was that lunch in Liechtenstein years back taken en route from Switzerland to Austria, a three-country score, but we were travelling by car. Yet more years earlier in her salad days the late Mme. Criticus (who did not, alas, live long enough to enliven this piece with some sketches of her beloved Paris) used to make midday jaunts on a very low-powered motorbike across the Rhine from Germany to have lunch and buy Gauloises in France, she being quite as unreconstructed as Dr. Johnson. She and I were also wont to take day trips by train to Basel for lunch and chocolate. Noble efforts, those, but at the time we were living in Freiburg virtually on the Franco-Swiss-German border, so it was easy enough, although the motorbike jaunts perhaps merit including Mme. C's capers at the head of a subdivision to be called Country for Lunch by Motorbike.

At all events, reflection on these matters codified for us the rules of the contest: one must travel inde-

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pendently, that is, not by tour group, though companions are certainly allowed; one must begin and end one's trip in the same city on the same day, and that city cannot be situated directly on a border unless a body of water interposes; one must travel the entire way by public transport, preferably train and/or ship; and one must stop for a full sit-down meal at a restaurant. No dartings across a border, no snacks from a street vendor, no personal auto or helicopter travel, though motorbike is clearly a different matter. The issue then becomes how brief such a luncheon stay can be made to be. Forty-four minutes is clearly the time to aim for.

Henri IV, you will recall, turned Catholic for the sake of Paris: *Paris vaut une messe,* he said as he made his submission.

I have never again come close to the time achievement of that sublime alpine day-return. A few years back I did the day crossing of the channel by hovercraft to take lunch in Boulogne, but I was in France for half a day. When walking with a stick, as Constant Readers will recall, I took the packet boat from the British mainland to the Isle of Man (it is technically a separate country, so it counts), but the ship returns immediately and I was forced to stay overnight in Douglas if I were to have anything at all to eat on land, let alone a proper meal. Before reaching London this time I flew from Lisbon to Madrid to change planes for London, but, apart from the fact that air travel is cheating anyway, I never left the Madrid airport, had only a glorified snack there, and in any case spent rather more than forty-four minutes to do that. Still it might form the basis for a subdivision to be known as the Three Capitals Dining Contest, for I had breakfast in Lisbon, lunch (all right, a generous snack) in Madrid, and dinner in London. But that sort of thing could easily be eclipsed by taking the Concorde and dining around the world, so we won't count it.

Thus the Italian sprint still stands. On the other hand now one could go, not just to another country for lunch, but to Paris. Henri IV, you will recall, turned Catholic for the sake of Paris: *Paris vaut une messe,* he said as he made his submission. Well, then, said Criticus, *Paris* also certainly *vaut un déjeuner.*

And it was. The Eurostar pulled out of Waterloo Station at an indecently early hour and made its way through Kent to Dover in an eerie but beautiful "death-dumb, autumn-dripping gloom," to quote my kinsman, the Laureate. Suddenly there was the Channel Tunnel itself, but plunging into its maw was no more remarkable than going through any longish train tunnel anywhere. Ho hum, one thought, this is the high speed train?

Speed in fact does not begin on the Eurostar until one comes through the tunnel and into France. The British rail lines are not yet equipped to take the high speed TGV train, but the French ones certainly are. Immediately in Normandy the train picked up speed until we were hurtling along at something like 180 miles per hour, though "hurtle" sounds altogether too rumbustious for what is the smoothest ride imaginable. No jolts, bumps, swayings, or any kind of roughness. Just a noiseless glide, the countryside through the window seeming to unfold like a motion picture. Some gentle, fog-shrouded downs, some Normandy cows grazing, and some quiet nodding off by a Criticus unused to dawn awakenings. Then suddenly, *voila!* the Gare du Nord and everyone speaking French as though it were perfectly normal, which of course it is in those parts, though a bit of a shock nonetheless when you are unconsciously expecting the recorded British voice in the Underground to caution you to "Mind the gap, please," meaning that space between platform and carriage door into which babies and those walking with sticks are prone to stumble. Elapsed time from London Waterloo to Paris Gare du Nord: two hours, fifty-nine minutes.

Having prudently consulted some guidebooks before setting out, Criticus knew just where he wanted to go. A restaurant in the mediaeval heart of the *Rive Gauche,* the Left Bank, called *"La Rotisserie d'en Face,"* which means more or less the "rotisserie across the way" facing at an angle its parent restaurant, which is a grand

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establishment indeed that opens only for the evening meal at what are described as very expensive prices. The *Rotisserie* is its less pretentious, less costly, younger sibling. Fearful of falling into restaurant and wine writers' syrupy hyperbole, Criticus will say only with understatement that the lunch was celestial. La Rotisserie almost erased all memory of the great Tirano pasta (sorry, Italy). This was French cooking to make Julia Child appear to be the chef at Jack in the Box. Yes, it cost $75 for one for lunch, but think what you'd pay for one or two of those coffee table "The-Art-of-such-and-such-Cooking" books, filled with gorgeous photographs of dishes you will never eat and recipes for meals you will never prepare. As for me, I'll take La Rotisserie.

I expected everything after that to be anti-climax, but having come for more than culinary culture, I felt compelled to persevere. So it was on to the Musée d'Orsay, the former train station converted into an art gallery, located a manageable walk along the Seine from the Rotisserie, its proximity having been a factor in my choice of restaurant in the first place. Now it seemed almost as though the restaurant were dictating that I should go on to the museum merely to fill up the remainder of the afternoon. At least it gave occasion for a brisk walk along the river past the *bouquinistes* now mostly closed against the cold wind but redolent of the eternal Paris of everyone's youth.

The Musée d'Orsay urned out to be anything but an anti-climax. It has been sandblasted, cleaned, polished, tarted up to such a dazzling magnificence it could stand without a single work of art in it and still be a glory.

The Musée d'Orsay turned out to be anything but an anti-climax. Like so many grand European train stations, the Gare d'Orsay was built at the end of the nineteenth-century, so when it was converted to a museum in 1986 after years of disuse, it was fittingly dedicated to art from the mid-nineteenth century to the outbreak of the First War, 1848 to 1914. The museum is now known to the French affectionately as the "M'O."

The art that it houses is superb indeed, from late neo-classicism and Romanticism to Impressionism, from Ingres and Delacroix to Monet and Degas, from sculptures to room interiors. There is a brilliantly detailed miniature in cross-section of the Paris Opera House. There is even Whistler's Mother, technically known as "Arrangement in Grey and Black." A God's plenty of art from a rich period.

But the real star and the surprise of the museum turned out to be the building itself. If there is a commanding work of art in the vast assemblage gathered there, it is the vaulting great hall of the old station. It has been sandblasted, cleaned, polished, tarted up to such a dazzling magnificence that it could stand without a single work of art in it and still be a glory. It is a majestic and awesome act of homage to the Great God of the Railway against which modern airplane terminals are as mud huts on the Zambezi to Versailles. See Naples and die, they used to say, and it may still be true for different reasons than the adage intended. But they also used to say that Americans go to Paris to die. In that case, don't miss the Musée d'Orsay on your way to meet the Grim Reaper.

The M'O was the visual equivalent of the great lunch, just as the lunch was the gastronomic equivalent of the glorious museum. Together they made one replete, from aperitif to dessert, from the realist Courbet to the primitivist Gaugin. By way of *digestif* and as homage to Hector Guimard, the incomparable designer of the Métro stations and an artist well represented at the M'O, I took the Métro deeper into the heart of the Left Bank and visited once more le Bon Marché, one of the great Paris art nouveau department stores that is architecturally what the guidebooks describe as "worth the detour." The prices are rather frightening.

There was still a little time to wander along my old haunts on the Boulevard St. Germain and sit for a bit at the café Deux Magots to ponder questions of *l'être et néant* as those old humbugs Sartre and de Beauvoir purported to do. Then to the Boul' Mich' and the Place St. Michel to take the Métro to the Gare du Nord and board the sleek Eurostar for the trip back to London. Three more hours and we were

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at Waterloo, and another Country for Lunch was added to the list.

Of course, as we know and knew in advance, as regards lunch the time element of London-Paris-London was nowhere in the league of Zurich-Tirano-Zurich. On the other hand I had gone from one capital city to another for lunch and returned the same day, crossing a body of water coming and going. That is certainly worth an honorable mention almost as fine as Mme. C's traversings of the Rhine as though it were merely the Los Angeles River.

A frabjous day it was indeed. And yet, and yet ... in another way I regret that it ever became so easy. The old eight-hour channel crossings on turbulent seas when all about you are losing their heads or their lunches, the passport checks on both sides of the channel, the many hours in ponderous trains on either side of the water made one feel by the time one reached Paris that a great journey had been completed. "A cold coming they had of it," wrote Lancelot Andrewes of the journey of the Magi. That made the arrival all the sweeter. Paris is not, of course, Bethlehem, but it is a cultural shrine; having to struggle to get there made the arrival more of an epiphany. Something is lost with ease and speed. But the same can be said of flying across the Atlantic instead of taking the ship. Yet without the flight how often would we be able to make the trip?

Thus, though much is taken, much abides. Whether by high road or low, by channel steamer or Eurostar, *Paris vaut un déjeuner.* CPR

BOOK REVIEW

A Few Notes of Liberty

BY DAVID F. FAUSTMAN

FOR ANYONE who still does not agree that California made a tragic mistake in electing the raving, socialist nitwit Barbara Boxer to the United States Senate, Bruce Herschensohn's *Lost Trumpets* should be required reading. The book's thoughtful, at times almost poetic prose reveals the political philosophy and common sense of a gentleman who stands in stark contrast to the demonized Herschensohn manufactured by Mrs. Boxer's propagandist thugs. This book's 42 chapters are brief essays on everything from affirmative action to Vietnam, organized into major subparts. Part one, "Where the Road Started," articulates Herschensohn's main personal and political theme: liberty vs. security, or "trumpets" vs. "chains":

LOST TRUMPETS
A Conservative's Map To America's Destiny
by Bruce Herschensohn
The Claremont Institute Press, 1994, 274 Pages, $27.50, cloth

> It is ... the two conflicting instincts that start with birth and rarely end before death: the instinct to be secure under protection, and the instinct to be left alone at liberty .... [B]oth persons and nations spend their time on earth in conflict between trumpets and chains, playing only a few notes of liberty while ensuring the chains of security are fastened.

Which is why Communism and Nazism, Herschensohn writes, "belong on the same side of the political spectrum: totalitarianism." They represent the victory of chains over trumpets. Both would destroy capitalism, which Herschensohn calls "the economic dimension of liberty." He defines taxation as an appropriation of our

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labor and "time on earth." With "someone else in control of our time," he writes, liberty is lost.

Herschensohn believes a clearer understanding of such basic points is our best defense against losing our liberty, and that statists know it, which is why they work so hard to confuse matters. The federal system of taxation and budgeting, for example, is an exercise in complexity and obfuscation whereby government can "launder the thievery." We should fight back with clarity because "tyranny's greatest ally is a citizenry that is overwhelmed with complexity. The strongest enemy of tyranny is a knowledgeable citizenry that understands the processes of government." Herschensohn places this theme in historical context, arguing that we began unravelling November 22, 1963, when "the bullet that went in and out of Present Kennedy, then went in and out of everyone in the nation, wounding them all." A new generation saw the whole thing happen in their living rooms, and after that, "America was different."

> Television imbued that generation with a feeling of urgency as it played strange games with the calendars of life and age and beginnings and ends .... [T]here came the desire to live life in a hurry and see it all and do it all. Quick.

FORTY-SEVEN days after the assassination of Kennedy, Lyndon Johnson made "a radical change in the purpose of the federal government." The ill-fated Great Society was launched, and the Vietnam War was prosecuted and botched. As Johnson manipulated the Congress to create the bureaucratic juggernaut that now finances irresponsibility and stifles productive enterprise, the "Supreme Court was also acting as a legislature ... permitting vagrancy to flourish [and] giving rights to criminals beyond the rights of victims." Thus, all three branches of government were "closing their eyes to the philosophy and the purpose of the federal government." At this precise time American "intellectuals" and self-anointed elites, as Newt Gingrich says, strayed from the assumptions and values of the Founding Fathers. For Herschensohn, the solution requires a vast course reversal: "our once great values [won't] become great again until the citizenry recognizes what has happened, and we start carving a path away from the one on which we are blindly running."

More specifically, Herschensohn critiques key elements of the liberal domestic policy package: welfare ("the longest assembly-line in the nation" — exhibit A in the evidence proving that the war on poverty has become "a war for poverty" orchestrated by "anti-poverty" bureaucrats determined to achieve defeat knowing that "failure loads the federal coffers and packs the stone buildings with bureaucrats"), regulation (which has vindicated Madison's observations that "there are more instances of the abridgement of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations"), the environmental movement ("largely driven not by planet lovers but by capitalism haters"), and affirmative action (a leftist propagandist's euphemism for a racial, gender spoils system that is "insulting, degrading, and demeaning ... for those it professes to help").

Herschensohn understands more is involved than just mistaken ideas about how to get things done. Great damage has been done to the basis of our civilization. Echoing a succession of modern conservatives, Herschensohn argues that Judeo-Christian principles form the core of our nation's political freedom. The notion that we are endowed by our creator with "rights" that do not flow from the state (a notion neither the product of Roman paganism nor sufficiently appreciated by "modern" ethicists) is a *political* precept based upon *religious* principle. Belief in equality under the law deriving from everyone's *intrinsic (i.e.* God-given) worth did not happen by accident.

SO WHY, Herschensohn asks, are we allowing the light to dim? Why do we allow our schools to teach "safe sex" while forbidding prayer? Why is the ACLU, the "crêche hunters of December," obsessed with "keeping religion out of public places?" He suggests that collectivists rightly see a threat in religious principles that postulate inalienable rights. They lead directly to political and, necessarily, to economic freedom, including private property and free markets. With this in mind, Herschensohn proposes a constitutional amendment to overturn the Supreme Court's extreme "separation of church and state opinions," so as to re-introduce Judeo-Christian principles to our public life.

In foreign affairs, Herschensohn again identifies ambiguity as the source of trouble. He believes we should simply, as Jack Kennedy might say, "pay any price, bear any burden" to insure the success of liberty. He derides "those Americans who believe that there is something intellectual about neutrality." Evil people exist in the world and the stakes are too high to allow us to gamble on their being reformed by our good intentions.

> Defense is always a guess; there is no certainty .... If we guess too high we will waste money. If we guess too low, we will waste the liberty of millions, and perhaps waste the United States.

As its subtitle promises, Bruce Herschensohn's *Lost Trumpets* is a conservative's road-map on how *not* to waste the United States. CPR

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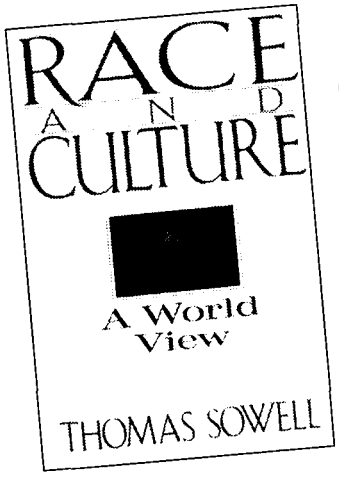

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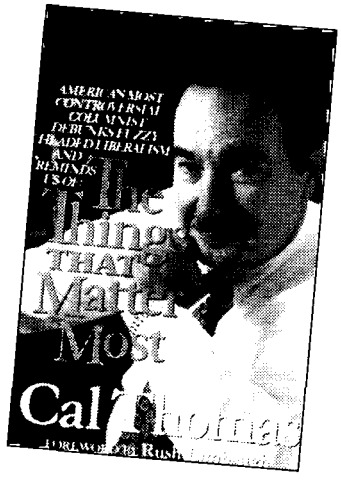

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